

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

April 21, 2021

9:05 a.m.

MEMBERS PRESENT

Senator Roger Holland, Chair
Senator Gary Stevens, Vice Chair
Senator Shelley Hughes
Senator Peter Micciche

MEMBERS ABSENT

Senator Tom Begich

COMMITTEE CALENDAR

SENATE BILL NO. 94

"An Act relating to the education loan program and Alaska supplemental education loan program; and providing for an effective date."

- MOVED CSSB 94 (EDC) OUT OF COMMITTEE

SENATE BILL NO. 34

"An Act providing for the establishment of public schools through state-tribal compacts."

- HEARD & HELD

SENATE JOINT RESOLUTION NO. 10

Proposing an amendment to the Constitution of the State of Alaska relating to in-person public education.

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 94

SHORT TITLE: EDUCATION & SUPPLEMENTAL LOAN PROGRAMS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/24/21	(S)	READ THE FIRST TIME - REFERRALS
02/24/21	(S)	EDC, FIN

03/03/21	(S)	EDC WAIVED PUBLIC HEARING NOTICE, RULE 23
03/05/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/05/21	(S)	Heard & Held
03/05/21	(S)	MINUTE(EDC)
04/19/21	(S)	EDC AT 9:00 AM BUTROVICH 205
04/19/21	(S)	Heard & Held
04/19/21	(S)	MINUTE(EDC)
04/21/21	(S)	EDC AT 9:00 AM BUTROVICH 205

BILL: SB 34

SHORT TITLE: STATE-TRIBAL EDUCATION COMPACT SCHOOLS

SPONSOR(s): STEVENS

01/25/21	(S)	PREFILE RELEASED 1/8/21
01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	EDC, JUD
04/21/21	(S)	EDC AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

CHAD HUTCHINSON, Director of State Relations
University of Alaska
Anchorage, Alaska

POSITION STATEMENT: Presented SB 94 on behalf of the University of Alaska.

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 34 on behalf of the sponsor.

NATASHA SINGH, General Counsel
Tanana Chief's Conference (TCC)
Fairbanks, Alaska

POSITION STATEMENT: Provided invited testimony on SB 34.

RICHARD PETERSON (Chalyee Éesh); President
Central Council
Tlingit and Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: Provided invited testimony on SB 34.

ELIZABETH MEDICINE-CROW, President;
Chief Executive Officer (CEO)

First Alaskans Institute
Kake, Alaska

POSITION STATEMENT: Provided invited testimony on SB 34.

MICHAEL JOHNSON, Ph.D., Commissioner
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Provided invited testimony on SB 34.

ACTION NARRATIVE

9:05:05 AM

CHAIR ROGER HOLLAND called the Senate Education Standing Committee meeting to order at 9:05 a.m. Present at the call to order were Senators Hughes, Stevens, Micciche, and Chair Holland.

SB 94-EDUCATION & SUPPLEMENTAL LOAN PROGRAMS

9:05:40 AM

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 94 "An Act relating to the education loan program and Alaska supplemental education loan program; and providing for an effective date."

[SB 94 was previously heard on 3/5/21 and 4/19/21.]

9:05:52 AM

CHAIR HOLLAND opened public testimony on SB 94.

9:06:12 AM

CHAD HUTCHINSON, Director of State Relations, University of Alaska, Anchorage, Alaska, presented SB 94 on behalf of the administration. He stated that the University of Alaska (UA) supports SB 94. UA believes it is wise for the Alaska Student Loan Corporation (ASLC) to have flexibility in determining loan amounts for eligible borrowers. SB 94 will also allow borrowers more opportunities to finance their loans. Further, this bill aligns with UA President Pitney's vision to boost enrollment and reduce the university's dependency on state funding moving forward. He characterized it as a win-win for all parties.

9:07:15 AM

CHAIR HOLLAND, after first determining no one wished to testify, closed public testimony on SB 94.

[9:07:32 AM](#)

CHAIR HOLLAND solicited amendments to SB 94.

[9:07:38 AM](#)

SENATOR HUGHES moved to adopt Amendment 1, [work order 32-GS1644\A.1].

AMENDMENT 1

32-GS1644\A.1

Klein

4/20/21

OFFERED IN THE SENATE
TO: SB 94

BY SENATOR HUGHES

Page 3, following line 9:

Insert a new bill section to read:

"* **Sec. 6.** AS 14.43 is amended by adding a new section to read:

Sec. 14.43.940. Economies of scale. When administering the education loan program under AS 14.43.091 - 14.43.160 and the Alaska supplemental education loan program under AS 14.43.170 - 14.43.175, the commission shall attempt to achieve economies of scale."

Renumber the following bill section accordingly.

[9:07:43 AM](#)

CHAIR HOLLAND objected for discussion purposes.

[9:07:47 AM](#)

SENATOR HUGHES explained that Amendment 1 makes it clear that the goal of the loan program expansion is to achieve economies of scale. During the first hearing on SB 94, members expressed concern about extending eligibility to students who were not currently Alaska residents. She said at the 4/19/21 hearing and through conversations with Ms. Efird, it became clear that this will help Alaska residents because expanding the pool achieves economies of scale that can help keep rates lower. It will also help boost ASLC's revenues, she said. She acknowledged that she would prefer that the Amendment 1 language was crafted differently but there was limited time to work on it.

CHAIR HOLLAND noted that his office had not received the amendments from Legislative Legal Services in time to post them to BASIS prior to this meeting.

9:09:10 AM

SENATOR MICCICHE asked what Amendment 1 will accomplish except to clarify the reason for the bill.

SENATOR HUGHES answered that it also would help keep the commission mindful of what is beneficial to Alaskan students.

SENATOR STEVENS offered his understanding that the overall effect of having more students in the loan program would be to lower student loan rates.

SENATOR HUGHES deferred to Ms. Efird, but offered her belief that the primary reason was to ensure that revenue flows through the ASLC to help Alaskan students.

9:10:46 AM

CHAIR HOLLAND related his understanding that the state does not want to increase the state's expenses to expand the loan program but SB 94 would achieve the goal of making the program more economical.

SENATOR HUGHES agreed. She pointed out that due to the high credit score requirement for this program, it would not put the state at risk but could expand the pool.

9:11:27 AM

CHAIR HOLLAND removed his objection. There being no further objection Amendment 1 was adopted.

9:11:39 AM

SENATOR HUGHES moved to adopt Amendment 2, [work order 32-GS1644\A.2]:

AMENDMENT 2

32-GS1644\A.2
Klein
4/20/21

OFFERED IN THE SENATE
TO: SB 94

BY SENATOR HUGHES

Page 3, following line 9:

Insert a new bill section to read:

"* **Sec. 6.** AS 14.43 is amended by adding a new section to read:

Sec. 14.43.940. Report to the legislature. Not later than December 31 of each year, the commission shall submit to the legislature a report evaluating the benefit provided to Alaska students by the education loan program under AS 14.43.091 - 14.43.160 and the Alaska supplemental education loan program under AS 14.43.170 - 14.43.175. The commission shall deliver the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available."

Renumber the following bill section accordingly.

[9:11:44 AM](#)

CHAIR HOLLAND objected for discussion purposes.

[9:11:48 AM](#)

SENATOR HUGHES explained that Amendment 2 was developed as a result of the last hearing and in conversations with Ms. Efird. She explained that it is similar to Amendment 1 such that it would help ensure benefits go to Alaska students. It would require ASLC to evaluate and report benefits to the legislature. This essentially will trigger an annual review which Ms. Efird indicated was likely to happen.

[9:12:31 AM](#)

CHAIR HOLLAND removed his objection. There being no further objection, Amendment 2 was adopted.

[9:12:47 AM](#)

CHAIR HOLLAND asked for the will of the committee.

[9:12:55 AM](#)

SENATOR STEVENS moved to report SB 94, work order 32-GS1644\A as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR HOLLAND found no objection and CSSB 94(EDC) was reported from the Senate Education Standing Committee.

[9:13:39 AM](#)

At ease

SB 34-STATE-TRIBAL EDUCATION COMPACT SCHOOLS

[9:16:26 AM](#)

CHAIR HOLLAND reconvened the meeting and announced the consideration of SENATE BILL NO. 34 "An Act providing for the establishment of public schools through state-tribal compacts."

[9:16:41 AM](#)

SENATOR STEVENS, sponsor of SB 34, stated this bill resulted from several Alaska Education Challenge meetings several years ago that highlighted the need to find a solution to the state's tribal education compacting. The Alaska Native Studies Council [Proceedings from the Alaska Native Studies Conference] April 4-6, 2013, report in members' packets provides background for the issue. It shows that the high school dropout rate for village Native students is much higher than for other students in Alaska.

[9:18:08 AM](#)

SENATOR STEVENS explained that education compacting is a complicated process that will allow tribal entities to formally enter into an agreement with the state that recognizes tribal authority to operate and oversee K-12 schools. These State-Tribal Education Compact (STEC) schools are public schools that will be open to all students but would offer culturally rich and millennia-old tribal educational models. This bill would set up a process for Alaska tribes to contract directly with the commissioner of the Department of Education and Early Development (DEED) to allow them control over their schools. This direct relationship would allow tribes to leverage funds that previously were paid to the school districts for educational enrichment to directly benefit Native students. The benefits of tribal compact schools include curriculum changes to emphasize the history of indigenous people, including culture and language. It could also provide a more intimate community experience for Native students.

[9:19:33 AM](#)

SENATOR STEVENS pointed out that tribal education compacting appears to be successful in the State of Washington since more Native students are graduating from high school. Thus, dropout rates are lower, he said.

[9:20:03 AM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 34. He stated the bill is modeled after the state boarding school statutes in AS 14. He reviewed the sectional analysis for SB 34, which read:

Sec. 1: AS 14.07.165(a) relating to the duties of the State Board of Education, is amended to include the Board adopting regulations associated with state-tribal compact schools.

Sec. 2: AS 14.16.300, is established, State-Tribal Education Compact Schools (STEC).

(a) The Commissioner of Education may enter into compacts with federally recognized tribes (FRT), through an application process.

(b) The application process must include a resolution passed by the locally governing board of a FRT and include provisions for specific grade levels to be taught, compliance, dispute resolution, recordkeeping and similar standard terms of contracting.

AS 14.16.310: Specifies that a STEC school will be considered a school district (SD) and must follow existing statutory requirements as other SD's do for:

1. District Operations:

(a) defining the school term, days in session, and school holidays School terms, days in session;

(b) miscellaneous provisions for SD's;

(c) follow state board regulations, unless the board specifically exempts STECs from a regulation;

(d) authorizing school districts to establish and participate in the services of a regional resource center;

(e) requiring an annual audit;

(f) authorizing cooperation with other school districts;

(g) prohibits employment of a relative of the chief school administrator;

(h) prohibits discrimination based on sex or race in public education.

MR. LAMKIN continued to review the sectional analysis for SB 34, which read:

2. Public School Funding and receipt and expenditure of that funding:

(a) relating to student count estimates;

(b) relating to school operating fund balances;

(c) setting out the procedure for payment of public school funding and imposing general requirements and limits on money paid.

3. Teacher employment and retirement

- (a) relating to sick leave;
- (b) relating to the employment and tenure of teachers;
- (c) relating to the salaries of teachers;
- (d) relating to sabbatical leave provisions for teachers;
- (e) authorizing collective bargaining by certificated employees, except with regard to teachers who are administrators and except that the board may delegate some or all of its responsibilities under those statutes;
- (f) regarding the teachers' retirement system.

4. Students and educational programs

- (a) relating to educational services for children with disabilities;
- (b) establishing health education program standards;
- (c) relating to bilingual and bicultural education.

9:23:46 AM

AS 14.16.320 specifies that a STEC school may not charge tuition, with some exceptions for over school age persons and extracurricular activities, and that school admissions may not discriminate against race, school age, or grade level. If a STEC school has applicants that exceed their capacity, they may prioritize enrollment of tribal members;

AS 14.16.330 establishes financial provisions for STEC schools consistent with existing foundation formula funding for a school district and for purposes of applying for federal funding AS 14.16.340 regards employees of the STEC as being state employees and provides for employment preferences for those who are member of a FRT.

Sec. 3: AS 14.17.300(a), relating to the public education fund, is amended to allow for appropriations to be made to STEC schools.

Sec. 4 AS 14.17.400(b) in the instance of a shortage of funds for public education, the department of education is directed reduce school district funding on a pro rata basis, amended to include a similar pro rata reduction for STEC schools.

9:25:17 AM

MR. LAMKIN continued to review the sectional analysis for SB 34, which read:

Sec. 5: 14.17.445 adds a new subsection to include funding for STEC schools inside the foundation formula for purposes of calculating its basic need

Sec. 6: 14.18.110(b) relating to anti-discrimination laws, adds a new subsection to allow, in the event a STEC school has applicants in excess of its capacity, to prioritize employment and student enrollment firstly to members of the FRT under the compact.

Sec. 7: 14.30.010(b), relating to compulsory school-age attendance, and which has a number of exemptions from compulsory attendance, is amended to include an exemption for student enrolled in a STEC school.

Sec. 8: 14.30.186(a), relating to special education services, is amended to include STEC schools being required to provide such services to for children with disabilities enrolled in the STEC school.

Sec. 9-12: AS 14.30.350(8), 14.43.849(5), 14.43.915(f)(2), AS 21.96.070(g)(1), are conforming definition references, being amended to include STEC schools as being considered a "school district."

Sec. 13-14: AS 23.40.200(c), relating to provisions under which a union may strike, is amended to include a STEC school.

Sec. 15: AS 39.35.160(c), relating to the retirement system, is a conforming amendment to include both the employees of a STEC school, and the STEC school as the employer, being required to contribute to the retirement system.

Sec. 16: AS 39.35.160(d), relating to the retirement system, is a conforming amendment to include a STEC

employer paying a member's PERS contribution in the event the member is assaulted while on the job and subsequently on unpaid leave.

9:27:43 AM

MR. LAMKIN continued reviewing the sectional analysis for SB 34, which read:

Sec. 17-19: AS 39.35.300(c), AS 39.35.310(c), and AS 39.35.330(d), relating to the retirement system, are conforming amendments to include STEC school employees as state employees and contributing time served under the retirement program.

Sec. 20-21: AS 43.20.014(g)(3) and AS 47.07.063(D)(3), relating to Medicaid eligibility and education tax credits, are conforming definition references, being amended to include STEC schools as being considered a "school district."

Sec. 22: Gives regulatory authority to the Dept. of Education and Early Development (DEED) to help implement the STEC program, and includes transition language to give DEED one year to implement following its enactment.

9:28:37 AM

CHAIR HOLLAND turned to invited testimony.

9:29:16 AM

NATASHA SINGH, General Counsel, Tanana Chief's Conference (TCC), Fairbanks, Alaska, stated that TCC is a tribal health and social services consortium that provides services to Alaskans living in Interior villages and tribal members living in Fairbanks. TCC is one of 25 cosigners of the Alaska Tribal Health Compact (ATHC) with the Indian Health Service, which she characterized as one of the most successful compacts in the history of the Indian Self Determination Act.

MS. SINGH said Alaska, the nation and the world learned how effective TCC's health delivery system is due to the efficiency in distributing COVID-19 vaccines to Alaskans. ATHC is the most successful compact because it is reversing severe health disparities for Alaska Natives in the most remote areas of the country even though it faces significant underfunding by Congress. The Alaska Tribal Health System (ATHS) is made possible because of ATHC, which is a legal agreement between the

federal government and the Alaska Tribal health entities and tribal nations.

9:30:59 AM

MS. SINGH highlighted that tribal leaders are planners, strategists, decision makers, and implementers of Native healthcare. Prior to the compact, the chronic underfunding, remote nature of villages and the absence of locally-driven decision making resulted in a lack of quality provided by the Indian Health Service (IHS). Lower 48 tribes were experiencing similar outcomes from IHS. In 1988 Congress passed the Indian Self Determination Act education amendment. The original act provided the necessary authority for tribes to enter into agreements to carry out the responsibilities of the federal government. The 1988 amendment addressed the inflexible bureaucracy and federal inefficiencies by increasing the tribes' ability to redesign and tailor services to the specific needs of their communities. The takeaway is that agencies and bureaucracies resist implementing compacts despite proven success, she said. Thus, tribes continue to need federal legislative support to fully implement the intent of self-determination.

MS. SINGH said soon after the federal amendment passed, Alaska was offered a chance to participate in an IHS demonstration project. Alaskan tribes and health entities quickly joined together to create a multi-party compact. This had never been done before with IHS but with the support of the Alaska IHS office and the determination of tribal leaders, Alaska Tribal Health Compact (ATHC) was created.

9:33:06 AM

MS. SINGH said the true beauty of health compacting is that tribal leaders have the full authority to determine the best way to address Native health needs. She said ATHC is accountable to the people. Through the compact, Alaska Natives own their own health care information and can change their practices or redesign program service functions, services and activities to meet regional needs. When a program is not properly funded, ATHC has the flexibility to reallocate funds as needed. The compact can cobble together funding streams to deliver services efficiently and effectively.

MS. SINGH highlighted that the health compact comes with strings attached. Cosigners are obligated to provide to the Health and Human Services (HHS) National Audit Review Center an annual single organization-wide audit as prescribed by the Single Audit

Act Amendments of 1996 (Single Audit Act). A copy is sent to the IHS and Federal Audit Clearinghouse. Each year the secretary of HHS submits a report to the U.S. Senate Committee of Indian Affairs and the U.S. House Resources Committee detailing the level of need presently underfunded. The TCC and its Board of Directors are well versed in the audit process and take pride in the lack of adverse findings. TCC's robust accounting division includes an internal auditor to make sure federal funds are properly spent.

9:34:52 AM

MS. SINGH stated that the compact has 25 diverse cosigners, ranging from small villages with less than 50 members to the Alaska Tribal Health Consortium serving the entire state. Financially, the cosigners range from a small community health program under \$60,000 per year to a large statewide medical center with over 2,000 employees and a budget over \$400 million per year. Together, the cosigners, IHS, and other partners make up the Alaska Tribal Health System (ATHS). The system is rooted in community and tribally driven, she said. The health care compact provides services to community clinics, subregional clinics and regional services. This system is interconnected through the system's sophisticated patterns of referrals and TCC's primary and common mission, which is to improve the health status of Alaska Native people. This includes a coordination of care from local health clinics to subregional and regional facilities, which can also be referred to the Alaska Native Medical Center (ANMC) in Anchorage.

MS. SINGH said as a cosigner, TCC relies on the common ATHC perpetual agreement that sets the general terms of the nation-to-nation relationship between the U.S. and Alaska tribes as it relates to the implementation of health care services. All cosigners fall under one health compact. The compact speaks with one voice during negotiations. In order to do this, all final common decisions affecting the compact must be made through the consensus process with tribal representatives of the cosigners.

MS. SINGH stated that once the cosigners agree, TCC has a strict protocol of negotiation rules, which govern the annual negotiation process between the IHS and cosigners. The negotiations are built on a foundation of faith, trust and government-to-government relationships. Shared goals of TCC's negotiations include holding productive negotiations, by being prepared and sharing information early and often, executing agreements as quickly as possible and committing to being prepared for negotiations. These rules seek to ensure that the

parties stay transparent and honest with one another. Doing otherwise does not result in better health outcomes for the Native people, she said. The continued relationship between the parties is just as important as the final outcome of the negotiations. Because of the compact and the system's success, TCC is literally changing the smiles of children in rural Alaska. The Dental Therapy Educational Program has allowed some children in rural Alaska to be cavity free.

9:38:10 AM

MS. SINGH reported that the Alaska Tribal Health System (ATHS) generates 18,000 jobs for Alaskans and contributes a total economic output of \$2.4 billion in the state. Due to its service population and statewide reach, the system represents a large part of Alaska's economy. In 2017 the system represented five percent of the entire Alaska economy. She reported that the system comprises a larger sector of the state economy than the retail trade, the construction industry, the professional business and technical services sector, all arts and entertainment, manufacturing, information sector, utilities and agriculture forestry sectors combined. As a vital part of the Alaska public health system, ATHS has served as a pillar for the state's economy and as a partner with the State of Alaska. That partnership generates a net economy for the state and results in massive savings for the state budget in the form of Medicaid federal offsets. In closing, she stated that tribes across the nation are reversing health care disparities.

9:40:00 AM

CHAIR HOLLAND said he hoped the school compact would be as successful as the Alaska Tribal Health Compact (ATHC).

9:40:14 AM

SENATOR MICCICHE asked Ms. Singh to forward the figures she referenced that highlight the benefits to Alaska's economy.

MS. SINGH agreed to do so. She identified the Alaska Native Health Board as the advocacy arm of the system. She stated that ANHB compiled an economic study several years ago that she offered to provide to the committee.

9:41:16 AM

SENATOR STEVENS expressed appreciation for the information on the health compact but advised Ms. Singh that SB 34 relates to tribal compacting of education. He asked whether she could provide any information related to an education compact.

9:41:40 AM

MS. SINGH responded that her testimony on the health compact was intended to illustrate the model for what could be done. TCC supports compacting education for tribes. She offered her belief that legislation is necessary to push the administration to continue to support self-determination and locally-driven decisions for tribes. First, the legislature could recognize tribes, which has not yet been done. Second, tribes are political entities that act as the third sovereign in the state, which makes compacting education different from establishing charter schools or other entities.

MS. SINGH said TCC supports SB 34 because tribes should be given authority to address their educational needs. Tribal entities are familiar with the reasons that tribal members do not graduate at better rates and why tribal members sometimes have issues within the school system. Tribal compacting for the delivery of education provides authority at the local level to improve the school system. She related that Representative Cronk, an educator from the TCC's region in Tok and Northway, stated in a House committee earlier this session that graduation rates for Native students in his district were good. TCC's responded that it was unlikely that tribes would want to establish compacts in schools that are successful but some tribes in Alaska will want STEC schools. She pointed out that the federal demonstration projects were successful because they started out small. She said if SB 34 were to pass, she did not anticipate that all tribes would immediately seek to establish STECs. Instead, she envisioned that education compacting would be a slow process with a few tribes entering into compacts and other tribes could follow. TCC would like to apply the lessons learned in federal [compacting for health care in Alaska] to potentially adopt tribal compacting of education.

9:45:22 AM

SENATOR STEVENS agreed that it would likely be a slow process since state-tribal compacting for education is complex. He acknowledged that the process would not be appropriate for all tribal entities. However, he did not believe that tribal compacting for education would be limited to remote communities. He envisioned that Native students in Anchorage or Fairbanks may want to learn the languages of their ancestors and achieve an education that fits with their family values.

9:46:13 AM

SENATOR HUGHES said she appreciated the analogy and description of tribal health since it has been very successful. She

attributed its success in part to innovation and flexibility. She pointed out that tribal entities are not required to adhere to state restrictions. For example, the federal model allows for the health aide and dental health therapist models, which are not allowed under state law. She said if Alaska decides to have STEC schools, the state will want them to meet or exceed the standards required for all public schools in Alaska. It is possible that the innovation and flexibility TCC achieved in health care might be more restrictive in education, she said.

SENATOR HUGHES stated that she was exposed to the tribal health model during the period when her husband supervised health aides in 50 villages. He was the medical director of TCC when the council operated the clinic at Fort Yukon. Her husband worked to implement the medical home model, which looked at dental, medical and behavioral health. She characterized it as a very successful effort in part because TCC had the freedom to do things not allowed under state law. She said she would be open to this concept if it is innovative and will improve academic output and work for students.

9:48:20 AM

SENATOR HUGHES recalled years ago when her family lived in rural Alaska, the tribal clinics did not accept non-Native patients. That meant her family needed to fly to Anchorage or Fairbanks for medical treatment. Subsequently, tribal clinics incorporated the health center model. In order to receive funding, the clinics had to accept all patients. She expressed concern that this bill establishes a preference for Alaska Native teachers and students. If the capacity was not large enough to include all students, the school could be limited to Alaska Native students. She said she hopes the goal would be for the schools to accept all students, just as the health center model accepts all patients. She wondered if this would create any constitutional issues. She offered support for the concept of tribes taking ownership and responsibility for communities as well as the innovative and flexible aspects of the proposed STECs.

9:51:16 AM

RICHARD PETERSON, (Chalyee Éesh), President, Central Council of Tlingit and Haida Indian Tribes of Alaska, Juneau, Alaska, began his comments by recognizing the traditional Native lands where the Capitol is located and by giving thanks "Gunalchéesh." He said he echoes Ms. Singh's comments.

MR. PETERSON stated that Tlingit and Haida Indian Tribes of Alaska (Tlingit and Haida) is the largest tribe in Alaska with just under 33,000 tribal citizens enrolled in Alaska. Tlingit and Haida is a member of the Alaska Regional Coalition, a consortium of four Native regional tribal non-profits representing 65,000 Alaskans ranging from Ketchikan to Kotzebue. Collectively, the coalition represents 100 rural communities and provides services to everyone in the communities.

MR. PETERSON stated that compacts are government-to-government agreements that administer programs. The U.S. Supreme Court has recognized the inherent authority of tribes to serve their citizens. Tlingit and Haida already executes federal compacts at the Bureau of Indian affairs (BIA) on behalf of several communities in Southeast Alaska. It currently administers sophisticated programs for employment and training, natural resources, childcare and economic development. Tlingit and Haida is proud to have signed on to the historical Tribal Child Welfare Compact between the State of Alaska and tribes in 2017.

MR. PETERSON said it is important to note that Tlingit and Haida already delivers early care and learning services through the Head Start program. Although Head Start is not delivered through compacting, this educational program is offered in coordination with the state and federal government. This could serve as a model for a partnership to provide educational services to Native and non-Native students. The state supports local control in many ways including for education. He offered his belief that tribal compacting is the epitome of local control. Tribal compacting has the potential to enhance delivery for education. Ms. Singh outlined the Alaska Tribal Health Compact delivery system that demonstrates tribal experience and expertise. The tribes could expand on this by delivering education via STECs. As with so many other programs, the details will determine educational compacting's success. Currently, approximately 18 percent of Alaska's children are Alaska Native. No one is more vested in the success of Alaska Native students than Tlingit and Haida, he said. Tlingit and Haida stands ready to partner with the state to design systems to improve educational outcomes for all children in Alaska, which could be done by using STECs.

9:55:25 AM

At ease

9:56:03 AM

CHAIR HOLLAND reconvened the meeting.

9:56:23 AM

ELIZABETH MEDICINE-CROW, President and Chief Executive Officer (CEO), First Alaskans Institute, Kake, Alaska, began by saying "Gunalch  esh." Ms. Singh and Mr. Peterson have deep knowledge about how compacting works, she said. She offered support for compacting public education in Alaska. She offered her belief that First Alaskans can help address some provisions in the bill. She highlighted her perspective on what might be possible.

MS. MEDICINE-CROW stated that she served on the Tribal and Community Ownership Committee as part of Alaska Education Challenge. Commissioner Johnson tasked the committee to identify three innovative ideas for transforming Alaska's schools. The committee came up with one innovative idea that members felt was included in State-Tribal Education Compacting (STEC). The committee found that other innovative ideas the committee discussed, such as improved student success and values were addressed through STEC government-to-government relationships. The State Board of Education and Commissioner Johnson supported their work and included their recommendations in their report.

MS. MEDICINE-CROW acknowledged the importance of using a thoughtful, trusting, state-tribal government negotiation process to establish authority and develop an educational system that has continued to fail Alaska Native students. The goal should be to develop a system that serves all students in Alaska.

10:01:22 AM

MS. MEDICINE-CROW offered her belief that tribal partners are equipped to determine how STEC schools should operate, including making hiring decisions, developing curriculum, and determining the values the school will impart. STEC provides an opportunity to change the paradigm of schools from one that fails students to one that nourishes them. She stated that tribal communities help one another, address issues, and create intergenerational opportunities to share and strengthen members' knowledge and abilities to achieve success despite enormous challenges. She said it is essential for SB 34 to merge the power and authority inherent in tribal government with the power and authority of state government to amplify the outcome of educational compacting. She cautioned against holding tribes to the current structure and state standards because it won't change student outcomes. Instead, she viewed compacting as an agent for change. She said she welcomes fleshing out the compacting process. She recalled that Mr. Lamkin indicated SB 34 was modeled after the state boarding school and charter school statutes. While this

provides a good starting point, those models are completely different from compacting, she said. She stated that she welcomes holding robust discussions on the bill.

10:04:06 AM

CHAIR HOLLAND directed attention to language in the bill that spoke to cooperation with school districts regarding district operations. He asked whether there would be any coordination with the Department of Education and Early Development (DEED) or school districts. He wondered whether a compact school could put a local school at risk.

MR. LAMKIN answered that the key words are negotiation, trust, transparency, partnership and in particular, considering the success of healthcare compacting being applied to education compacting. He suggested that coordinating with school districts was in the spirit of partnership for sharing curriculum and maintenance. He stated that those things would be jointly negotiated. He pointed out two Memorandums of Understanding (MOUs) exist for TCC and the Knik Tribe Council related to education.

CHAIR HOLLAND acknowledged that the bill used the charter school model so some things may already be addressed.

10:06:39 AM

MICHAEL JOHNSON, Ph.D., Commissioner, Department of Education and Early Development (DEED), Juneau, Alaska, highlighted that tribal compacting is one of the State Board of Education priorities. He provided three reasons to pursue STEC schools. First, the current results demand it, he said. The achievement gap in Alaska is tragic and ongoing. Far too many students find themselves on the wrong side of the achievement gap. The state cannot continue to hold on to the current education system. The state needs to be bold. Government-to-government compacting agreements providing excellent education is sorely needed.

DR. JOHNSON continued with the second point, that the character and conscience of Alaskans demands it. The public education system began without the proper understanding, respect and vision for Alaska Native students. Thus, the educational system in Alaska has not had a positive impact on Alaska Native languages and culture. The state must demonstrate its respect for Alaska Native values and language by entering into compacts so students can restore and revitalize what has been diminished by ineffective education outcomes.

DR. JOHNSON said the third point is that the pandemic has given the state proof that this is an appropriate path forward. He predicted that when the history of the pandemic is written, tribes will get credit for the care given to all Alaskans. Many schools remained open all year because of tribal health. Many Native and non-Native teachers, students and their families were treated and vaccinated through tribal health. Tribes have proven that when the state lets go of its systems and coordinates with tribal government, good things can happen for all Alaskans, he said.

10:10:03 AM

SENATOR STEVENS remarked that Commissioner Johnson has a tremendous vision for Alaska education. He agreed that being bold is key. Even with all the studies the committee has seen, things have not improved in smaller villages in terms of graduation rates. The commissioner hit on the important issue, which is to take action. He acknowledged that it may not work. However, there is a chance compacting will work since it has worked in health delivery. According to SB 34, the tribal schools would fall in their own school district and report to the commissioner just as all districts do. He recalled that Senator Hughes commented on the importance of serving all people in small communities. Chair Holland raised the question whether a local school might close due to a tribal school being built in the area. He asked Commissioner Johnson to comment.

10:11:53 AM

COMMISSIONER JOHNSON informed members that STEC will be open to all students just as tribal health entities served all Alaskans during the pandemic. He advised members that effective schools do not put other schools at risk. Instead, ineffective schools put other schools at risk, he said. He noted that he is confident that tribal compacted schools will improve student outcomes.

10:12:40 AM

SENATOR HUGHES remarked that ineffective schools put students at risk. She asked whether there were any requirements currently imposed on schools that STEC schools would not have to meet.

COMMISSIONER JOHNSON replied that it would depend on the legislation. The state and tribal entities must work together to determine requirements or guardrails, which will dictate provisions for STECs. He highlighted some things to consider, such as hiring more indigenous teachers. The compacting process will consider if its teachers would be subject to the same

training or if they will adhere to another process, curriculum or assessment. These issues must be addressed before he could fully answer her question.

[10:14:36 AM](#)

SENATOR HUGHES acknowledged that dental health therapists and the health aide model do not abide by state law but have been very successful for tribal health. She asked whether he envisioned the possibility of developing similar innovative and flexible options that are not currently permissible under state law. She acknowledged that the types of certifications needed in villages might be different.

[10:15:20 AM](#)

COMMISSINER JOHNSON emphasized that the state needs to let go of some of these things. He offered his view that there are great opportunities and justification for exploring and pushing the edge of those types of requirements.

[10:15:50 AM](#)

CHAIR HOLLAND held SB 34 in committee.

[10:16:09 AM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Education Standing Committee at 10:16 a.m.